

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ORIGINAL

- - - - -X

UNITED STATES OF AMERICA :

SUPERSEDING
INDICTMENT

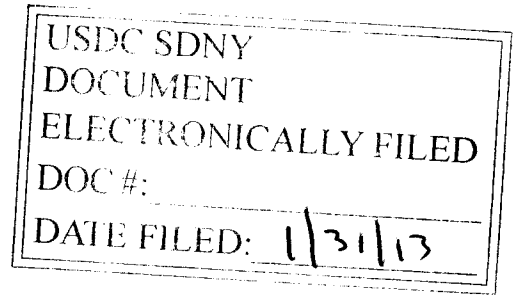
-v.- :

S2 11 Cr. 337 (PKC)

BARRY BALABAN, :

Defendant. :

- - - - -X



COUNT ONE

The Grand Jury charges:

1. From at least in or about January 2011, up to and including in or about April 2011, in the Southern District of New York and elsewhere, BARRY BALABAN, the defendant, and others known and unknown, willfully and knowingly combined, conspired, confederated and agreed together and with each other to commit an offense against the United States.

2. It was a part and an object of the conspiracy that BARRY BALABAN, the defendant, and others known and unknown, would and did procure another to commit perjury, in violation of Title 18, United States Code, Section 1622.

3. In furtherance of the conspiracy and to effect the illegal object thereof, BARRY BALABAN, the defendant, committed the following overt act:

a. On or about April 5, 2011, BALABAN advised, threatened, pressured and otherwise induced a subpoenaed witness

("Witness-1") before the grand jury in the Southern District of New York to testify falsely as to material matters during Witness-1's grand jury testimony on April 6, 2011.

(Title 18, United States Code, Section 1622 and 2.)

COUNT TWO

The Grand Jury further charges:

4. From at least in or about January 2011, up to and including in or about April 2011, in the Southern District of New York and elsewhere, BARRY BALABAN, the defendant, willfully and knowingly did corruptly endeavor to influence and impede grand jurors in the discharge of their duty, and did corruptly endeavor to influence, obstruct, and impede the due administration of justice, to wit, BALABAN endeavored to cause a witness before the grand jury in the Southern District of New York (Witness-1) to testify falsely.

(Title 18, United States Code, Sections 1503 and 2.)

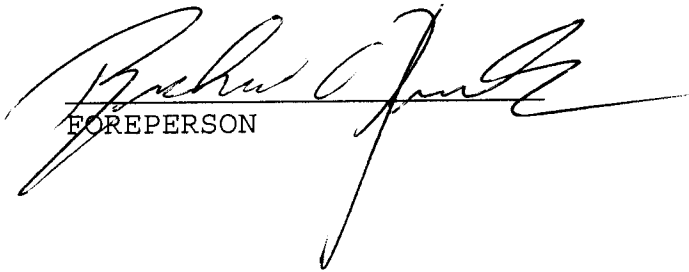
COUNT THREE

The Grand Jury further charges:


3. From at least in or about January 2011, up to and including in or about April 2011, in the Southern District of New York and elsewhere, BARRY BALABAN, the defendant, knowingly used intimidation, threatened, and corruptly persuaded a person, and

attempted to do so, and engaged in misleading conduct towards another person, with intent to influence the testimony of a person in an official proceeding, to wit, BALABAN advised, threatened, pressured, and otherwise induced Witness-1 to give false testimony before a grand jury in the Southern District of New York.

(Title 18, United States Code, Sections 1512 and 2.)



FOREPERSON



PREET BHARARA
United States Attorney

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SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

BARRY BALABAN,

Defendant.

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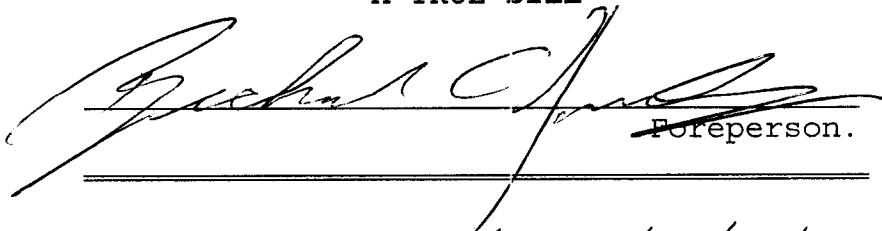
S2 11 Cr. 337 (PKC)

(18 U.S.C. §§ 371, 1503, 1512 and 2)

PREET BHARARA

United States Attorney.

A TRUE BILL


Foreperson.

1/31/13
de

Filed superseding Indictment.
Judge Francis.
U. S. M. J.